

2009 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB86)

Received: **03/15/2010**

Received By: **gmalaise**

Wanted: **Soon**

Companion to LRB:

For: **Kathleen Vinehout (608) 266-8546**

By/Representing: **Linda Kleinschmidt**

May Contact:

Drafter: **gmalaise**

Subject: **Employ Priv - family leave**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Vinehout@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

School activities leave

Instructions:

See attached--draft up California Labor Code's provisions relating to leave for school activities

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For:

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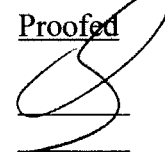
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FE Sent For:

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Malaise, Gordon

From: Kleinschmidt, Linda
Sent: Thursday, March 11, 2010 12:12 PM
To: Malaise, Gordon
Subject: Email from LRB Website

Hi Gordon,

Sen. Vinehout wants to amend SB 86. She would like to take it out of the Family and Medical Leave law and put it in Labor law. She would model the provision after California's law (Cal. Labor Code Section 230.8 - passed in 1995). The California law states that employers with 25 or more employees at the same location must not discriminate or discharge a parent or grandparent who uses 40 hours a year or no more than 8 hours per month of his/her accrued leave (vacation, personal, compensatory time) or unpaid leave, if the employer provides it, to participate in a child's school or day care activities.

Is it possible for us to create such a provision in Wisconsin law but not in the Family and Medical Leave law? We would make this amendment apply to employers with 50 or more employees and language directing the employee to do the following: Require the employee to give the employer advance notice prior to taking the time off and to make reasonable effort to schedule the conference or activity so that it does not unduly disrupt the employer's operation.

Let me know if this makes sense to you.

Thanks,

Linda Kleinschmidt
Chief of Staff
Office of State Senator Kathleen Vinehout
104 South State Capitol - PO Box 7882
Madison, WI 53707-7882
608-266-8546
1-877-763-6636

230.7. (a) No employer shall discharge or in any manner discriminate against an employee who is the parent or guardian of a pupil for taking time off to appear in the school of a pupil pursuant to a request made under Section 48900.1 of the Education Code, if the employee, prior to taking the time off, gives reasonable notice to the employer that he or she is requested to appear in the school.

b) Any employee who is discharged, threatened with discharge, demoted, suspended, or in any other manner discriminated against in the terms and conditions of employment by his or her employer because the employee has taken time off to appear in the school of a pupil pursuant to a request made under Section 48900.1 of the Education Code shall be entitled to reinstatement and reimbursement for lost wages and work benefits caused by those acts of the employer.

230.8. (a) (1) No employer who employs 25 or more employees working at the same location shall discharge or in any way discriminate against an employee who is a parent, guardian, or grandparent having custody, of one or more children in kindergarten or grades 1 to 12, inclusive, or attending a licensed child day care facility, for taking off up to 40 hours each year, not exceeding eight hours in any calendar month of the year, to participate in activities of the school or licensed child day care facility of any of his or her children, if the employee, prior to taking the time off, gives reasonable notice to the employer of the planned absence of the employee.

(2) If both parents of a child are employed by the same employer at the same worksite, the entitlement under paragraph (1) of a planned absence as to that child applies, at any one time, only to the parent who first gives notice to the employer, such that the other parent may take a planned absence simultaneously as to that same child under the conditions described in paragraph (1) only if he or she obtains the employer's approval for the requested time off.

(b) (1) The employee shall utilize existing vacation, personal leave, or compensatory time off for purposes of the planned absence authorized by this section, unless otherwise provided by a collective bargaining agreement entered into before January 1, 1995, and in effect on that date. An employee also may utilize time off without pay for this purpose, to the extent made available by his or her employer. The entitlement of any employee under this section shall not be diminished by any collective bargaining agreement term or condition that is agreed to on or after January 1, 1995.

(2) Notwithstanding paragraph (1), in the event that all permanent, full-time employees of an employer are accorded vacation during the same period of time in the calendar year, an employee of that employer may not utilize that accrued vacation benefit at any other time for purposes of the planned absence authorized by this section.

(c) The employee, if requested by the employer, shall provide documentation from the school or licensed child day care facility as proof that he or she participated in school or licensed child day care facility activities on a specific date and at a particular time. For purposes of this subdivision, "documentation" means whatever written verification of parental participation the school or licensed child day care facility deems appropriate and reasonable.

(d) Any employee who is discharged, threatened with discharge, demoted, suspended, or in any other manner discriminated against in terms and conditions of employment by his or her employer because the employee has taken time off to participate in school or licensed child day care facility activities as described in this section shall be entitled to reinstatement and reimbursement for lost wages and work benefits caused by the acts of the employer. Any employer who willfully refuses to rehire, promote, or otherwise restore an employee or former employee who has been determined to be eligible for rehiring or promotion by a grievance procedure, arbitration, or hearing authorized by law shall be subject to a civil penalty in an amount equal to three times the amount of the employee's lost wages and work benefits.

231. Any employer who requires, as a condition of employment, that an employee have a driver's license shall pay the cost of any physical examination of the employee which may be required for issuance of such license, except where the physical examination was taken prior to the time the employee applied for such employment with the employer.

232. No employer may do any of the following:

- (a) Require, as a condition of employment, that an employee refrain from disclosing the amount of his or her wages.
- (b) Require an employee to sign a waiver or other document that purports to deny the employee the right to disclose the amount of his or her wages.
- (c) Discharge, formally discipline, or otherwise discriminate against an employee who discloses the amount of his or her wages.

232.5. No employer may do any of the following:

- (a) Require, as a condition of employment, that an employee refrain from disclosing information about the employer's working conditions.
- (b) Require an employee to sign a waiver or other document that purports to deny the employee the right to disclose information about the employer's working conditions.
- (c) Discharge, formally discipline, or otherwise discriminate against an employee who discloses information about the employer's working conditions.
- (d) This section is not intended to permit an employee to disclose proprietary information, trade secret information, or information that is otherwise subject to a legal privilege without the consent of his or her employer.

233. (a) Any employer who provides sick leave for employees shall permit an employee to use in any calendar year the employee's accrued and available sick leave entitlement, in an amount not less than the sick leave that would be accrued during six months at the employee's then current rate of entitlement, to attend to an illness of a child, parent, spouse, or domestic partner of the employee. All conditions and restrictions placed by the employer upon the use by an employee of sick leave also shall apply to the use by an employee of



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBs0340/1

GMMg:.....

In 3/18

WABA
TODAY

SENATE SUBSTITUTE AMENDMENT,
TO 2009 SENATE BILL 86

Gen Cat

SAW
x-186

1 AN ACT, relating to: school activities leave.

Analysis by the Legislative Reference Bureau

Under current law, an employer, including the state, employing at least 50 individuals on a permanent basis in this state must permit an employee who has been employed by the employer for more than 52 consecutive weeks and who has worked for the employer for at least 1,000 hours during the preceding 52-week period to take six weeks of family leave in a 12-month period and two weeks of medical leave in a 12-month period. Family leave may be taken for the birth or adoptive placement of a new child or to care for a child, spouse, or parent who has a serious health condition. Medical leave may be taken when the employee has a serious health condition that makes the employee unable to perform the employee's employment duties. An employee is not entitled to receive wages or salary while taking family or medical leave, but may substitute, for portions of family or medical leave, other types of paid or unpaid leave provided by the employer. An employee who intends to take family or medical leave for the birth or adoptive placement of a child or for planned medical treatment must give the employer advance notice of the birth or adoptive placement or planned medical treatment. In addition, for planned medical treatment, the employee must make a reasonable effort to schedule the medical treatment so that it does not unduly disrupt the operations of the employer.

This substitute amendment allows any employee of an employer, including the state, employing at least 50 individuals on a permanent basis in this state to take no more than 40 hours of leave in a 12-month period to attend school activities of the

employee's child, but allows an employee to take no more than eight of those hours in any given month. Under the substitute amendment, an employee must use accrued vacation leave, personal leave, compensatory time off, or any other leave or time off that may be granted to the employee for purposes of school activities leave, except that an employee may not use sick leave or disability leave for purposes of school activities leave. An employee may also use unpaid leave for purposes of school activities leave, if permitted by his or her employer. An employee who intends to take leave to attend a school activity must give the employer advance notice of the activity and must make a reasonable effort to schedule the activity so that it does not unduly disrupt the operations of the employer. When an employee returns from school activities leave, the employer may require the employee to provide, in a reasonable and practicable manner, documentation from his or her child's school stating no more than that the employee was attending a school activity on a specific date and at a particular time. ✓

For purposes of the substitute amendment, "child" includes, in addition to a natural child, an adopted or foster child, a stepchild, a legal ward, or a grandchild in the legal custody of his or her grandparent, and "school" includes, in addition to a public or private school that provides an educational program for one or more grades between kindergarten and 12, a child care provider or a public or private preschool or prekindergarten. ✓✓✓✓

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 36.11 (17) (b) of the statutes is amended to read:

2 36.11 (17) (b) Only one sabbatical leave may be granted for each 6 years of
3 full-time instructional service in the system with preference given to those who have
4 been making significant contributions to teaching and have not had a leave of
5 absence except under s. 103.10 or 103.11, regardless of source of funding, in the
6 previous 4 years.

History: 1973 c. 335; 1975 c. 39, 41, 224, 400; 1977 c. 29, 418; 1979 c. 32 s. 92 (8); 1979 c. 221; 1981 c. 20; 1983 a. 27, 366; 1983 a. 435 s. 7; 1983 a. 484; 1985 a. 62, 120; 1985 a. 332 ss. 47, 49, 50; 1985 a. 332 s. 251 (1); 1987 a. 27, 287; 1989 a. 31, 56, 121, 177, 359; 1991 a. 39, 203, 250, 269, 285, 315; 1993 a. 16, 213, 227, 399; 1995 a. 27 ss. 1757 to 1762y, 9130 (4); 1995 a. 201, 404, 448; 1997 a. 3, 27, 128, 237; 1999 a. 9, 29; 1999 a. 150 ss. 7, 351; 2001 a. 16, 22; 2003 a. 33, 69, 149, 282; 2005 a. 25, 253, 324, 470; 2007 a. 20, 85, 125; 2009 a. 28, 59.

7 **SECTION 2.** 103.11 of the statutes is created to read: ✓

8 **103.11 School activities leave. (1) DEFINITIONS.** In this section:

1 (a) "Child" means a natural, adopted, or foster child, a stepchild, a legal ward,
2 or a grandchild in the legal custody of his or her grandparent who is enrolled in a
3 school.

4 (b) "Employee" has the meaning given in s. 103.10 (1) (b). ✓

5 (c) "Employer" has the meaning given in s. 103.10 (1) (c). ✓

6 (d) "School" means a child care provider, as defined in s. 49.001 (1), a public or
7 private preschool or prekindergarten, or a public or private school that provides an
8 educational program for one or more grades between kindergarten and 12 and that
9 is commonly known as a kindergarten, elementary school, middle school, junior high
10 school, senior high school, or high school.

11 (2) SCOPE. Nothing in this section prohibits an employer from providing
12 employees with rights to school activities leave that are more generous to the
13 employee than the rights provided under this section. ✓

14 (3) SCHOOL ACTIVITIES LEAVE. (a) Subject to pars. (b) to (d) and sub. (4), an
15 employee may take no more than 40 hours of school activities leave in a 12-month
16 period to attend school activities relating to the employee's child, but may take no
17 more than 8 of those hours in any given month.

18 (b) An employee shall use accrued vacation leave, personal leave,
19 compensatory time off, or any other leave or time off that may be granted to the
20 employee for purposes of school activities leave, except that an employee may not use
21 sick leave or disability leave for purposes of school activities leave. An employee may
22 also use unpaid leave for purposes of school activities leave, if permitted by his or her
23 employer.

24 (c) If more than one employee employed by the same employer at the same
25 worksite is entitled to take school activities leave relating to the same child, only one

1 of those employees may take school activities leave relating to that child at any one
2 time, unless the employer permits otherwise.

3 (d) If an employer provides all of its permanent, full-time employees with
4 vacation leave that occurs at the same time, an employee may not use that accrued
5 vacation leave at any other time for purposes of school activities leave.

6 (4) NOTICE TO EMPLOYER. If an employee intends to take leave under sub. (3) for
7 the purpose of attending a school activity, the employee shall do all of the following:

8 (a) Make a reasonable effort to schedule the activity so that it does not unduly
9 disrupt the employer's operations.

10 (b) Give the employer advance notice of the activity in a reasonable and
11 practicable manner.

12 (5) DOCUMENTATION. When an employee returns from school activities leave,
13 the employer may require the employee to provide, in a reasonable and practicable
14 manner, documentation from his or her child's school stating no more than that the
15 employee was attending a school activity on a specific date and at a particular time.
16 The documentation shall consist of such written verification of the employee's
17 attendance at the school activity ^(as) that the school considers to be reasonable and
18 appropriate.

19 (6) EMPLOYEE BENEFITS. No employer may reduce or deny an employment
20 benefit, as defined in s. 103.10 (1) (d), that has accrued to an employee because the
21 employee took school activities leave.

22 (7) PROHIBITED ACTS. (a) No person may interfere with, restrain, or deny the
23 exercise of any right provided under this section.

24 (b) No person may discharge or in any other manner discriminate against any
25 individual for ~~opposing a practice prohibited under this section.~~ ^{sub. (6)}

STET: leave as typed

and, if the complaint is not resolved, shall determine whether there is probable cause to believe a violation has occurred.

(c) Section 111.322 (2m) applies to discharge or other discriminatory acts arising in connection with any proceeding under this section.

(8) ADMINISTRATIVE PROCEEDING. (a) An employee who believes his or her employer has violated sub. (7) (a) or (b) may, within 30 days after the violation occurs or the employee should reasonably have known that the violation occurred, whichever is later, file a complaint with the department alleging the violation. Except as provided in ~~s. 236.45 (1m)~~ (par. (b)), the department shall investigate the complaint

and shall attempt to resolve the complaint by conference, conciliation, or persuasion.

If the complaint is not resolved and the department finds probable cause to believe a violation has occurred, the department shall proceed with notice and a hearing on the complaint as provided in ch. 227. The hearing shall be held within 60 days after the department receives the complaint.

(b) The department shall issue its decision and order within 30 days after the hearing. If the department finds that an employer violated sub. (7) (a) or (b), the department may order the employer to take action to remedy the violation, including providing the requested school activities leave, reinstating an employee, providing back pay accrued not more than 2 years before the complaint was filed, and paying reasonable actual attorney fees to the complainant.

(9) CIVIL ACTION. (a) An employee or the department may bring an action in circuit court against an employer to recover damages caused by a violation of sub. (7) after the completion of an administrative proceeding, including judicial review, concerning the same violation.

(b) An action under par. (a) shall be commenced within the later of the following periods, or be barred:

From
p 8,
2/13 to 1/9

1 1. Sixty days after the completion of an administrative proceeding, including
2 judicial review, concerning the same violation.

3 2. Twelve months after the violation occurred or the department or employee
4 should reasonably have known that the violation occurred.

5 **(10) POSTING OF NOTICE.** Each employer shall post, in one or more conspicuous
6 places where notices to employees are customarily posted, a notice in a form
7 approved by the department setting forth employees' rights under this section.

8 **SECTION 3.** 111.322 (2m) (a) of the statutes, as affected by 2009 Wisconsin Act
9 182, section 9, is amended to read:

10 ^{STET: leave as typed}
11 111.322 (2m) (a) The individual files a complaint or attempts to enforce any
12 right under s. 103.02, 103.10, 103.11, 103.13, 103.28, 103.32, 103.34, 103.455,
13 103.50, 104.12, ~~106.04~~, 109.03, 109.07, 109.075, or 146.997 or ss. 101.58 to 101.599
 or 103.64 to 103.82.

NOTE: NOTE: Par. (a) is shown as amended eff. 4-1-10 by 2009 Wis. Act 3 and as amended by 2009 Wis. Act 28. 2009 Wis. Act 28 provides that par. (a) is amended, as affected by 2009 Wis. Act 3, but Act 28 does not provide a delayed effective date for the Act 28 amendment. Prior to the treatment by Acts 3 and 28, par. (a) reads: NOTE:

14 (a) The individual files a complaint or attempts to enforce any right under s. 103.02, 103.10, 103.13, 103.28, 103.32, 103.455, 103.50, 104.12, 109.03, 109.07, 109.075
15 or 146.997 or ss. 101.58 to 101.599 or 103.64 to 103.82.

History: 1981 c. 334; 1989 a. 228, 359; 1997 a. 237; 1999 a. 150 s. 672; 1999 a. 167, 176; 2009 a. 3, 28, 76.

16 **SECTION 4.** 111.322 (2m) (b) of the statutes, as affected by 2009 Wisconsin Act
17 182, section 9, is amended to read:

18 111.322 (2m) (b) The individual testifies or assists in any action or proceeding
19 held under or to enforce any right under s. 103.02, 103.10, 103.11, 103.13, 103.28,
20 103.32, 103.34, 103.455, 103.50, 104.12, ~~106.04~~, 109.03, 109.07, 109.075, or 146.997
21 or ss. 101.58 to 101.599 or 103.64 to 103.82.

NOTE: NOTE: Par. (b) is shown as amended eff. 4-1-10 by 2009 Wis. Act 3 and as amended by 2009 Wis. Act 28. 2009 Wis. Act 28 provides that par. (b) is amended, as affected by 2009 Wis. Act 3, but Act 28 does not provide a delayed effective date for the Act 28 amendment. Prior to the treatment by Acts 3 and 28, par. (b) reads: NOTE:

22 (b) The individual testifies or assists in any action or proceeding held under or to enforce any right under s. 103.02, 103.10, 103.13, 103.28, 103.32, 103.455, 103.50,
23 104.12, 109.03, 109.07, 109.075 or 146.997 or ss. 101.58 to 101.599 or 103.64 to 103.82.

History: 1981 c. 334; 1989 a. 228, 359; 1997 a. 237; 1999 a. 150 s. 672; 1999 a. 167, 176; 2009 a. 3, 28, 76.

24 **SECTION 5.** 111.91 (2) (f) of the statutes is amended to read:

1 111.91 (2) (f) Family leave and medical leave rights below the minimum
2 afforded under s. 103.10 and school activities leave rights below the minimum
3 afforded under s. 103.11. Nothing in this paragraph prohibits the employer from
4 bargaining on rights to family leave or medical leave ~~which~~ that are more generous
5 to the employee than the rights provided under s. 103.10 or from bargaining on rights
6 to school activities leave that are more generous to the employee than the rights
7 provided under s. 103.11.

History: 1971 c. 270; 1975 c. 39, 224; 1977 c. 196; 1979 c. 221; 1983 a. 27; 1985 a. 42; 1987 a. 27, 287, 331; 1989 a. 13, 31, 323; 1991 a. 269, 289; 1995 a. 27, 289; 1995 a. 302 s. 48; 1997 a. 27, 35, 155, 237; 1999 a. 9, 95, 115, 155; 2001 a. 16, 26; 2003 a. 33; 2007 a. 36; 2009 a. 14, 28, 56.

8 **SECTION 6.** 111.998 (2) (c) of the statutes, as created by 2009 Wisconsin Act 28,
9 is amended to read:

10 111.998 (2) (c) Family leave and medical leave rights below the minimum
11 afforded under s. 103.10 and school activities leave rights below the minimum
12 afforded under s. 103.11. Nothing in this paragraph prohibits the board from
13 bargaining on rights to family leave or medical leave ~~which~~ that are more generous
14 to the employee than the rights provided under s. 103.10 or from bargaining on rights
15 to school activities leave that are more generous to the employee than the rights
16 provided under s. 103.11.

History: 2009 a. 28.

17 **SECTION 7.** 230.35 (2) of the statutes is amended to read:

18 230.35 (2) Leave of absence with pay owing to sickness and leave of absence
19 without pay, other than annual leave and leave under s. 103.10 or 103.11, shall be
20 regulated by rules of the director, except that unused sick leave shall accumulate
21 from year to year. After July 1, 1973, employees appointed to career executive
22 positions under the program established under s. 230.24 or positions designated in
23 s. 19.42 (10) (L) or 20.923 (4), (7), (8), and (9) or authorized under s. 230.08 (2) (e) shall
24 have any unused sick leave credits restored if they are reemployed in a career

executive position or in a position under s. 19.42 (10) (L) or 20.923 (4), (7), (8), and (9) or authorized under s. 230.08 (2) (e), regardless of the duration of their absence. Restoration of unused sick leave credits if reemployment is to a position other than those specified above shall be in accordance with rules of the director.

History: 1971 c. 91, 125, 183, 211, 226; 1971 c. 270 ss. 70, 71, 83, 104; Stats. 1971 s. 16.30; 1973 c. 51, 243; 1975 c. 28, 39, 41; 1975 c. 147 s. 54; 1975 c. 189, 199, 421, 422; 1977 c. 44; 1977 c. 187 s. 135; 1977 c. 196 ss. 56, 118, 130 (3), (5), (12), 131; 1977 c. 273; 1977 c. 418 ss. 726, 727, 924 (13m); Stats. 1977 s. 230.35; 1979 c. 34, 89; 1979 c. 110 s. 60 (11); 1979 c. 221; 1981 c. 20, 96, 140; 1983 a. 27 s. 2200 (15); 1983 a. 30 ss. 4 to 11, 14; 1983 a. 71, 140; 1983 a. 192 ss. 220, 221, 304; 1985 a. 119; 1987 a. 63, 287, 340, 399, 403; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 12, 47; 1995 a. 37, 178; 1997 a. 118, 307; 1999 a. 42, 85, 101, 125; 2001 a. 16, 109; 2003 a. 22, 33, 117; 2005 a. 21; 2007 a. 106, 142; 2009 a. 28.

SECTION 8. 230.35 (2m) of the statutes is amended to read:

230.35 (2m) An employee shall be eligible for medical or family leave under s. 103.10 upon the expiration, extension, or renewal of any collective bargaining agreement in effect on April 26, 1988, ~~which that~~ covers the employee. An employee^e shall be eligible for school activities leave under s. 103.11 upon the expiration, extension, or renewal of any collective bargaining agreement in effect on the effective date of this subsection ^{LRB} [lrb inserts date]. ₌₌₌

History: 1971 c. 91, 125, 183, 211, 226; 1971 c. 270 ss. 70, 71, 83, 104; Stats. 1971 s. 16.30; 1973 c. 51, 243; 1975 c. 28, 39, 41; 1975 c. 147 s. 54; 1975 c. 189, 199, 421, 422; 1977 c. 44; 1977 c. 187 s. 135; 1977 c. 196 ss. 56, 118, 130 (3), (5), (12), 131; 1977 c. 273; 1977 c. 418 ss. 726, 727, 924 (13m); Stats. 1977 s. 230.35; 1979 c. 34, 89; 1979 c. 110 s. 60 (11); 1979 c. 221; 1981 c. 20, 96, 140; 1983 a. 27 s. 2200 (15); 1983 a. 30 ss. 4 to 11, 14; 1983 a. 71, 140; 1983 a. 192 ss. 220, 221, 304; 1985 a. 119; 1987 a. 63, 287, 340, 399, 403; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 12, 47; 1995 a. 37, 178; 1997 a. 118, 307; 1999 a. 42, 85, 101, 125; 2001 a. 16, 109; 2003 a. 22, 33, 117; 2005 a. 21; 2007 a. 106, 142; 2009 a. 28.

SECTION 9. 230.45 (1m) of the statutes is amended to read:

^{(9) (b)} ~~230.45 (1m)~~ ^{department} The ~~commission~~ shall waive the investigation and determination of probable cause of any complaint that is filed by a complainant under ~~sub (1)(a) s.~~ ^{par. (a)} 103.10 (12) (b) or 103.11 (8) ^{department} ~~at~~ ^{use 2x} the complainant's request. If the ~~commission~~ ^{department} waives the investigation and probable cause determination, the ~~commission~~ ^{as provided in par. (c)} shall proceed with a hearing on the complaint. The ~~commission~~ ^{department} waiver of an investigation and probable cause determination does not affect the ~~commission's~~ ^{department's} right to attempt to resolve the complaint by conference, conciliation, or persuasion. ^{PLAIN COMMA}

History: 1977 c. 196; 1979 c. 221; 1981 c. 334 s. 25 (2); 1981 c. 360; 1983 a. 27, 398, 409; 1987 a. 140, 331; 1987 a. 403 s. 256; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 16; 1995 a. 27; 1997 a. 131, 216; 1999 a. 176; 2001 a. 26, 38; 2003 a. 33; 2005 a. 25.

SECTION 10. 253.10 (3) (d) 1. of the statutes is amended to read:

[More to p 5, 8]

1 253.10 (3) (d) 1. Geographically indexed materials that are designed to inform
2 a woman about public and private agencies, including adoption agencies, and
3 services that are available to provide information on family planning, as defined in
4 s. 253.07 (1) (a), including natural family planning information, to provide
5 ultrasound imaging services, to assist her if she has received a diagnosis that her
6 unborn child has a disability or if her pregnancy is the result of sexual assault or
7 incest and to assist her through pregnancy, upon childbirth and while the child is
8 dependent. The materials shall include a comprehensive list of the agencies
9 available, a description of the services that they offer, and a description of the
10 manner in which they may be contacted, including telephone numbers and
11 addresses, or, at the option of the department, the materials shall include a toll-free,
12 24-hour telephone number that may be called to obtain an oral listing of available
13 agencies and services in the locality of the caller and a description of the services that
14 the agencies offer and the manner in which they may be contacted. The materials
15 shall provide information on the availability of governmentally funded programs
16 that serve pregnant women and children. Services identified for the woman shall
17 include medical assistance for pregnant women and children under s. 49.47 (4) (am)
18 and 49.471, the availability of family or medical leave under s. 103.10 and school
19 activities leave under s. 103.11, the Wisconsin ~~works~~ Works program under ss.
20 49.141 to 49.161, child care services, child support laws and programs, and the credit
21 for expenses for household and dependent care and services necessary for gainful
22 employment under section 21 of the ~~internal revenue code~~ Internal Revenue Code.
23 The materials shall state that it is unlawful to perform an abortion for which consent
24 has been coerced, that any physician who performs or induces an abortion without
25 obtaining the woman's voluntary and informed consent is liable to her for damages

1 in a civil action and is subject to a civil penalty, that the father of a child is liable for
2 assistance in the support of the child, even in instances in which the father has
3 offered to pay for an abortion, and that adoptive parents may pay the costs of
4 prenatal care, childbirth and neonatal care. The materials shall include
5 information, for a woman whose pregnancy is the result of sexual assault or incest,
6 on legal protections available to the woman and her child if she wishes to oppose
7 establishment of paternity or to terminate the father's parental rights. The
8 materials shall state that fetal ultrasound imaging and auscultation of fetal heart
9 tone services are obtainable by pregnant women who wish to use them and shall
10 describe the services.

History: 1985 a. 56, 176; 1991 a. 263; 1993 a. 27 s. 378; Stats. 1993 s. 253.10; 1995 a. 309; 1997 a. 27; 1999 a. 9; 2005 a. 155, 277, 387; 2007 a. 20; 2009 a. 28.

11 **SECTION 11.** 893.963 of the statutes is created to read:

12 **893.963 School activities leave; civil remedies.** Any civil action arising
13 under s. 103.11 (9) (a) is subject to the limitations of s. 103.11 (9) (b).

14 **SECTION 12. Initial applicability.**

15 (1) This act first applies to an employee, as defined in section 103.10 (1) (b) of
16 the statutes, who is affected by a collective bargaining agreement that contains
17 provisions inconsistent with this act on the day on which the collective bargaining
18 agreement expires or is extended, modified, or renewed, whichever occurs first.

19 **SECTION 13. Effective date.**

20 (1) This act takes effect on the first day of the 6th month beginning after
21 publication.

22 (END)